IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4987 of 2007()

CP.57/2006 of J.M.F.C.,RANNI
CRIME NO.51/2003 OF PAMBA POLICE STATION

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: PETITIONERS/ACCUSED:

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1. KUNJUMON, AGED 28,
S/O. PODIYAN, THANNIMOOTTIL HOUSE, NARANAMTHODU,
PAMPAVALLY, KOLLAMULA VILLAGE, RANNY TALUK.

2. VINOD, AGED 21,
S/O. GOPALAN, KIDANGIL HOUSE, NARANAMTHODU,
PAMPAVALLY, KOLLAMULA VILLAGE, RANNY TALUK.

3. MONY, AGED 35,
S/O. NANU, THANNIMOOTTIL @ KALLEL, NARANAMTHODU,
PAMPAVALLY, KOLLAMULA VILLAGE, RANNY TALUK.

BY ADV. SRI.ABRAHAM SAMSON

RESPONDENTS: STATE:

THE STATE OF KERALA,
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE,
KAKKAD, PAMBA POLICE STATION - THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No. 4987 of 2007

Dated this the 14th day of August 2007

O R D E R

Application for anticipatory bail. Petitioners are accused Nos.2,4 & 5. Altogether there are five accused persons. When illicit distillation was going on, the Detecting party reached the scene of the crime. The miscreants allegedly ran away from the scene of crime. Accused No.1 was caught. Seizure mahazar and occurrence report do reveal the name of the petitioners, submits the learned Public Prosecutor. Investigation is complete. Final report has already been filed. Committal proceedings has been registered.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The petitioners are willing to appear before the learned Magistrate and seek regular bail , but they apprehend that their applications for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He further prays that appropriate directions under Section 438 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances

under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are compelling reasons.

(R.BASANT, JUDGE)

sj

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007